



January 25, 2008

HOUSE BILL No. 1111

DIGEST OF HB 1111 (Updated January 23, 2008 6:06 pm - DI 75)

Citations Affected: IC 36-2.

Synopsis: Requirements for recording documents and copies. Requires (rather than allows) a recorder to record a document or a copy of a document if: (1) the document complies with other statutory recording requirements; and (2) the document or copy will produce a clear and unobstructed copy. Provides that a recorded copy has the same effect as if the original document had been recorded.

Effective: July 1, 2008.

Foley, Klinker, Smith V, Harris T

January 8, 2008, read first time and referred to Committee on Local Government.
January 24, 2008, amended, reported — Do Pass.

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HB 1111—LS 6606/DI 87+



January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1111

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-11-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) This section
3 does not apply to:

- 4 (1) an instrument executed before November 4, 1943;
- 5 (2) a judgment, order, or writ of a court;
- 6 (3) a will or death certificate; or
- 7 (4) an instrument executed or acknowledged outside Indiana.

8 (b) Whenever this section prescribes that the name of a person be
9 printed, typewritten, or stamped immediately beneath ~~his~~ **the person's**
10 signature, the signature must be written on the instrument, directly
11 preceding the printed, typewritten, or stamped name, and may not be
12 superimposed on that name so as to render either illegible. However,
13 the instrument may be received for record if the name and signature
14 are, in the discretion of the county recorder, placed on the instrument
15 so as to render the connection between the two apparent.

16 (c) The recorder may receive for record an instrument only if:

- 17 (1) the name of each person who executed the instrument is

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HB 1111—LS 6606/DI 87+



1 legibly printed, typewritten, or stamped immediately beneath ~~his~~
 2 **the person's** signature or the signature itself is printed,
 3 typewritten, or stamped;

4 (2) the name of each witness to the instrument is legibly printed,
 5 typewritten, or stamped immediately beneath ~~his~~ **the signature of**
 6 **the witness** or the signature itself is printed, typewritten, or
 7 stamped;

8 (3) the name of each notary public whose signature appears on the
 9 instrument is legibly printed, typewritten, or stamped immediately
 10 beneath ~~his~~ **the signature of the notary public** or the signature
 11 itself is printed, typewritten, or stamped; and

12 (4) the name of each person who executed the instrument appears
 13 identically in the body of the instrument, in the acknowledgment
 14 or jurat, in ~~his~~ **the person's** signature, and beneath ~~his~~ **the**
 15 **person's** signature;

16 or if subsection (d) is complied with.

17 (d) The recorder may receive for record an instrument that does not
 18 comply with subsection (c) if:

19 (1) a printed or typewritten affidavit of a person with personal
 20 knowledge of the facts is recorded with the instrument;

21 (2) the affidavit complies with this section;

22 (3) the affidavit states the correct name of a person, if any, whose
 23 signature cannot be identified or whose name is not printed,
 24 typewritten, or stamped on the instrument as prescribed by this
 25 section; and

26 (4) when the instrument does not comply with subsection (c)(4),
 27 the affidavit states the correct name of the person and states that
 28 each of the names used in the instrument refers to the person.

29 (e) The recorder ~~may~~ **shall** record a document presented for
 30 recording or a copy produced by a photographic process of the
 31 document presented for recording if:

32 (1) the document complies with other statutory recording
 33 requirements; and

34 (2) the document or copy will produce a clear and unobstructed
 35 copy.

36 All copies accepted for recording shall be marked as copies by the
 37 recorder.

38 (f) An instrument, document, or copy received and recorded by a
 39 county recorder is conclusively presumed to comply with this section.
 40 **A recorded copy shall have the same effect as if the original**
 41 **document had been recorded.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 33, reset in roman "and".

Page 2, line 35, delete "; and" and insert ".".

Page 2, delete lines 36 through 38.

and when so amended that said bill do pass.

(Reference is to HB 1111 as introduced.)

SMITH V, Chair

Committee Vote: yeas 12, nays 0.

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